

4. While Mr. Tallini was getting up to speed and entering appearances in multiple matters, he had conversations with Christopher Arisco of Padfield & Stout, Attorneys for Plaintiffs. In those conversations, several upcoming events were discussed. In particular, a settlement conference and mediation.
5. Shortly thereafter, and on 03-31-2021, Mr. Emmitt Druen was served with an amended complaint naming him as an additional defendant. At around the same time, Mr. Tallini's only supporting paralegal surprisingly announced her retirement leaving Mr. Tallini with limited resources at the critical period.
6. Mr. Tallini was also discussing conflict concerns with Defendants Lawton Auto Auction, owned by Lisa and Emmitt Druen, and Co-Defendant Lisa Druen.
7. As the Settlement Conference and Mediation were nearing, Lisa and Emmitt Druen ("Druens") became hopeful that they could settle the matter. It wasn't until after the aforementioned events that it became clear to the Druens that they would have to proceed with the instant litigation.
8. Going forward, Mr. Tallini will file a Designation of Counsel to Lawton Auto Auction and Lisa Druen. Mr. Tallini will also appear in defense of Defendant Emmett Druen.
9. Mr. Druen has bona fide defenses to Plaintiffs' Second Amended Complaint, a copy of his Answer is attached to this application.
10. Defendant, Emmett Druen, requests Default be set-aside, and Defendant's Answer to Plaintiffs' Second Amended Complaint be allowed.

Respectfully submitted,

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Lawton Auto Auction a/k/a Lawton Cache
Auto Auction, Lisa Druien, and Emmett
Druien

CERTIFICATE OF SERVICE

This is to certify that on May 6, 2021, a true and correct copy of the foregoing MOTION TO VACATE ORDER OF DEFAULT has been forwarded to defendant M. Garrison, pro se, at 549 I-30 E., Sulphur Springs, Texas 75482, via certified mail, return receipt requested, and NextGear and AFC by and through their counsel of record, Alan B. Padfield and Christopher V. Arisco of Padfield & Stout, L.L.P., 420 Throckmorton Street, Suite 1210, Fort Worth, TX 76102, via ECF and by email to abp@padfieldstout.com carisco@padfieldstout.com.

/s/ Richard Fiory Tallini
Richard Fiory Tallini

CERTIFICATE OF CONFERENCE

This is to certify that on April 30, 2021, I spoke with Plaintiffs' counsel, Christopher V. Arisco to discuss the relief requested in this motion. Pursuant to the phone conversation with Mr. Arisco, he advised Plaintiffs were opposed to the relief sought. Accordingly, this motion is presented to the court for determination.

/s/ Richard Fiory Tallini
Richard Fiory Tallini